

REMARKS

Applicant thanks the Examiner for the very thorough consideration given the present application. Claims 1-14 remain in the application and claims 1 and 7 are independent.

The Office Action dated August 18, 2008 has been received and carefully reviewed. Each issue raised in the Office Action is addressed below. Reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

Claim Rejections – 35 U.S.C. § 103(a)

Claims 1, 2, 4, 7-9, 11 and 12 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Clough in view of U.S. Pub. No. 2003/0020813 to Iida et al. ("Iida").

Applicants submit the Examiner has failed to establish a *prima facie* case of obviousness and respectfully traverse the rejection. A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

In order to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), the cited references must teach or suggest each and every element in the claims. See *M.P.E.P.* § 706.02(j); *M.P.E.P.* 2141-2144. "Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness" (See *In Re Kahn*, 441 F.3d 977, 988 (CA Fed. 2006)).

The instant invention allows a user to photograph and transmit more images than have been ordered, and if the number or amount of image data is in excess of that which the user has ordered, the system user data management device automatically transmits to the user information that the updated result exceeds the predetermined amount. This system allows the service provider to increase the chance of additional orders by permitting the reception of image data even after an ordered number has been exceeded.

Claim 1 requires at least two features not shown or suggested by the prior art. They include the transmission of predetermined user information along with the image data to or from a server and the provision of a user data management device to update at least one of image data or total amount of image data each time image data is exchanged and to automatically transmit message information to equipment registered in advance for the user when the updated results exceeds a

predetermined value, wherein the message information includes a proposal for the user to output image data to a medium. And the claims have now been clarified to make clear that the predetermined value means the value equal to the permissible total number of the pieces of image data or the total amount of the image data. These features, *inter alia*, are not shown or suggested by the applied prior art.

The rejection alleges that Clough discloses every feature of independent claims 1 and 7 except for the user data management device. This is not accurate. There is no provision in Clough for the communications devices within each of the devices 102a, 102b, 106 and 108 to transmit or receive predetermined user information. Clough is not designed for, nor does it suggest, the use of a networked system by more than one user of the network, as it is merely designed to speed up the download of image data from a camera storage device to PC storage during a photo shoot. See lines 15-33 of column 6, describing the flow chart of Figure 3, and the Summary of the Invention in column 2. Clough also fails to disclose a user data management device which updates at least one of a total number of pieces of image data and a total amount of image data each time image data is exchanged and no user management device automatically transmits message information to equipment registered in advance when the updated result exceeds a predetermined value, and wherein the message information includes a proposal to the user. The Office Action correctly admits on page 3 that Clough does not show or suggest such a user data management device.

To address these features the rejection turns to Iida, and alleges on page 4 of the Office Action that the system of Iida functions as a user data management device “when the remaining number of images exceeds a predetermined amount, such as zero”. This statement is not accurate, nor does it accurately reflect what the claim requires. The photographic system of Iida includes “a digital still camera 12 which is lent to a user, a portable terminal 14 which comprises a portable telephone ..., and an image server 18 which is connected to the Internet 16” as described in paragraph [0057]. The code from a prepaid card 98 is entered into the camera memory 48 to change the value of the number of images from zero to the number of images that has been paid for, such as 50. Paragraphs [0075], [0081], [0082] and paragraphs [0085]-[0088] make clear that the camera will not work and will not store images until the received code is

greater than zero. That is, the camera in Iida will not take pictures and will not store images or image data if the counter is at zero. Therefore, in Iida the camera cannot record a number of images greater than the predetermined number because it cannot record any images when the counter gets to zero. Since it cannot record any more images it cannot transfer more than were ordered. Claim 1 specifically requires that the user data management device update the image data each time the fourth communications device receives image data and automatically transmit message information when the updated result exceeds a predetermined value. The claim has also been clarified to avoid the unreasonable interpretation given by the rejection, by reciting that the predetermined value means the value equal to the permissible total number of the pieces of image data or the total amount of the image data. Since it is not possible for the system of Iida to update the server with more images than the predetermined value, which is what is required by the claim, this limitation of the claim is not shown or suggested.

Likewise, claim 7 requires, *inter alia*, the image data management device to update at least one of a total number of pieces of image data and a total amount of image data each time said third communications device transmits image data to the specified print server apparatus, and automatically transmit message information to equipment registered in advance when the updated result exceeds a predetermined value; wherein said message information includes a proposal to output image data to a medium from said print server apparatus. This claim has also been clarified to avoid the unreasonable interpretation given by the rejection, by reciting that the predetermined value means the value equal to the permissible total number of the pieces of image data or the total amount of the image data. And likewise, since it is not possible for the system of Iida to update the server with more images than the predetermined value, which is what is required by the claim, at least this limitation of the claim is not shown or suggested. Applicants respectfully submit that the combination of elements as set forth in independent claims 1 and 7 are not disclosed or made obvious by the prior art of record, including Clough and Iida, for the reasons explained above. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested. With regard to dependent claims 2, 4, 8, 9, 11 and 12, Applicants submit that claims 2, 4, 8, 9, 11 and 12 depend, either directly or indirectly, from independent claims 1 and 7 which are allowable for the reasons set forth above, and therefore claims 2, 4, 8, 9, 11 and 12 are

allowable based on their dependence from claims 1 and 7. Reconsideration and allowance thereof are respectfully requested.

Claims 3, 5, 6, 10, 13 and 14 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Clough in view of Iida and further in view of Bateman. Applicants submit the Examiner has failed to establish a *prima facie* case of obviousness and respectfully traverse the rejection. A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

Bateman is cited to show a cradle 104 connected to a digital camera 102 and wireless communication to transfer image data to the local host in paragraph 108 [0017]. Bateman is directed to data transfer between a docked camera and a PC while allowing the PC to simultaneously perform other processing. However, Bateman fails to show or suggest transfer of predetermined user information along with the image data and the specific claimed user data management device, which updates at least one of a total number of pieces of image data and a total amount of image data about a user specified by the predetermined user information each time said fourth communications device receives image data and the predetermined user information from the home server apparatus, and automatically transmits message information to equipment registered in advance for the user when the updated result exceeds a predetermined value, wherein the message information includes a proposal for the user to output image data to a medium as is required by claim 1. Likewise, Bateman fails to show or suggest the image data management device to update at least one of a total number of pieces of image data and a total amount of image data each time said third communications device transmits image data to the specified print server apparatus, and automatically transmit message information to equipment registered in advance when the updated result exceeds a predetermined value; wherein said message information includes a proposal to output image data to a medium from said print server apparatus, as is required by claim 7. Therefore, Bateman cannot remedy the defects of the combination of Clough and Iida as discussed above. Accordingly, the Office Action fails to establish *prima facie* obviousness of the independent claims or of dependent claims 3, 5, 6, 10, 13 and 14.

Conclusion

All objections and rejections raised in the Office Action having been properly traversed and addressed, it is respectfully submitted that the present application is in condition for allowance. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Notice of same is earnestly solicited.

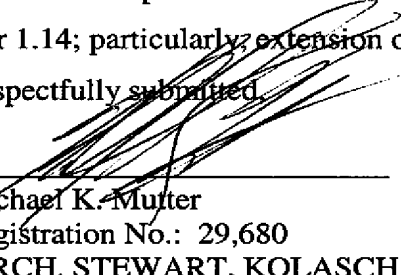
Prompt and favorable consideration of this Amendment is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Paul T. Sewell, Registration No. 61,784, at (703) 205-8000, in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.14; particularly, extension of time fees.

Dated: November 18, 2008

Respectfully submitted,

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